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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,115	07/21/2004	Deborah Philp	4239-64126-13	7111
	7590 04/08/200 SPARKMAN, LLP	EXAMINER		
121 S.W. SALN	· ·	TELLER, ROY R		
SUITE #1600 PORTLAND, (OR 97204-2988		ART UNIT	PAPER NUMBER
			1654	
			MAIL DATE	DELIVERY MODE
			04/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/502,115	PHILP ET AL.		
Examiner	Art Unit		
ROY TELLER	1654		

-The MALING DATE of this communication appears on the cover sheet with the correspondence address − THE REPLY FILED 12 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavic, or other evidence, which piceses the application in condition for allowance; (2) a Notice of Appeal (vil) appeal epid of the continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ■ The period for reply expires months from the mailing date of the final rejection. b) ■ The period for reply expires on: (1) the mailing date of the final rejection. b) ■ The period for reply expires months from the mailing date of the final rejection. b) ■ The period for reply expires on: (1) the mailing date of the final rejection. Examiner Note: If Note: In chacked, check either tox (a) or (5) CNIX CHECK BXX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS Of THE FINAL RELECTION. See MFEP 706.07(). Extension Note: If Note: In chacked, check either tox (a) or (5) CNIX CHECK BXX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS Of THE FINAL RELECTION. See MFEP 706.07(). Extension to the final replace of the final rejection of the fi			NOT TELELIN	1004	
 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant tous timely file one of the following replies: (1) an amendment, affaicavi, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expires on: (1) the mailing date of the salivisty Action, or (2) the date set forth in the final rejection. b) ☑ The period for reply expires on: (1) the mailing date of the salivisty Action, or (2) the date set forth in the final rejection. Examiner Note: If foot is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE RIFET REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 706.07(f). Extension Robe: If foot is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE RIFET REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 706.07(f). Extension may be oblizion duried 37 CFR 1.36(g). The date on which the polition under 37 CFR 1.136(g) and the appropriate extension for where 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (t) shows, if checked. Any reply reverselve by the Office between the when went the chemistry originally set in the final office action, or (2) as set forth in (t) shows, if checked. Any reply reverselve the when the complex original date of the final rejection, even if timely filed, may reduce any sermed patient term adjustment. See 37 CFR 1.704(b). C) IT the Notice of Appeal was filed on		The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence addre	ess
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmonths from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either tox (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 705.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee was reduced any eximple patent trem adjustment. See 37 CFR 1.710(a) calcition; or (2) as set forth in (1) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any extension thereof (37 CFR 4.1.37(e)), or avoid dismissal of the appeal. Since a Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37(a), and 37 CFR 4.1.37(a). All The Appropriate of Appeal and the proposed amendment(s) filed after a final rejection, but prior to the date of fili	THE RE	PLY FILED 12 December 2007 FAILS TO PLACE THIS	S APPLICATION IN CONDITION F	OR ALLOWANCE.	
 b) ∑ The period for reply expires on .(1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. Examiner Note: If box 1s checked, check either box (6) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRMAL REJECTION. See NPEP 760 (71). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any camed patient term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal also been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying	ар ар for	plication, applicant must timely file one of the following plication in condition for allowance; (2) a Notice of Apper Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	t, or other evidence, wh with 37 CFR 41.31; or (ich places the 3) a Request
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NOTE: (See 37 CFR 1.116 and 41.33(a)). 1. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 2. Applicant's reply has overcome the following rejection(s): 3. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 3. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. 3. The status of the claim(s) is (or will be) as follows: 3. Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) withdrawn from consideration: 15.9-15.17 and 18. 3. AFFIDAVIT OR OTHER EVIDENCE 3. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 3. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 3. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. 3. REQUEST FOR RECONSIDERATIOn/OTHER 3. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 3. Note the attached Information Disclosure Statement(s). (PTO/S	(c)		ter form for appeal by materially red	ducing or simplifying the	issues for
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6.	_			mpliant Amendment (P	ΓOL-324).
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 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) 	Cla	aim(s) withdrawn from consideration: <u>1,5,9-15,17 and 1</u>	<u>8</u> .		
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See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)		•	n of the status of the claims after er	ntry is below or attached	.k
			t does NOT place the application in	condition for allowance	e because:
13. Other:			(PTO/SB/08) Paper No(s)		
	13. 🔲 C	Other:			
/Christopher R. Tate/				2	
Primary Examiner, Art Unit 1655			Primary Examiner, Art U	nit 1655	

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been carefullly considered but are not deemed persuasive. The rejections of record stand for the reasons set forth in the previous Office action.